IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.467 OF 2005

National Bicycle Corporation of
India Ltd. & anr. ..Petitioners.

Vs.

Indra Shivram Rane & Ors. ..Respondents.

....

Mr.Vishwajit P. Sawant for the Petitioners.

Mr.S.Z.Chowdhary for the Respondents.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

7th March, 2005.

P.C. :

Learned counsel are agreed that the facts of this case are similar to those in Writ Petition 466 of 2005, on which submissions have been heard together with this writ petition. In the present case also on 20th May, 1987 the workman was informed of his service particulars recording that his age as on January 1987 was 48 years. The

workman accepted the correctness of the service particulars by his endorsement dated 26th May, 1987. In the course of his cross examination the workman admitted that the form bore his signature; that it was signed by him on 26th May, 1987 and that he had accepted his retiral dues for which he had executed a receipt without any protest. For the reasons already furnished in the judgment delivered today in the companion matter, the order of the Industrial Court dated 31st August, 2004 is unsustainable and has to be quashed and set aside. The Petition is accordingly allowed. The order of the Industrial Court dated 31st August, 2004 is quashed and set aside and complaint (ULP) No.1528 of 1998 shall, in the circumstances, stand dismissed. There shall be no order as to costs.